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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,925	09/22/2003	Mitsuru Sasaki	117222	5090

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EXAMINER
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NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,925

Applicant(s)

SASAKI, MITSURU

Examiner

Kevin M. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings including figures 1A-11 were received on 27 October 2003. These drawings are acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
3. Claims 1-3, 6-9, 12-15 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Owa et al (US 6,7,11,379) hereinafter Owa.

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4. As to claim 1, Owa discloses a seventh embodiment of a digital broadcast reception apparatus for receiving a digital broadcast containing image information for an input operation, wherein the image information accepts the input operation of a user, provides broadcast information reflecting the input operation result, and is prepared to presume that the user operates a key of a remote control having a predetermined function, the digital broadcast reception apparatus [142, fig. 24, col. 20, line 30-60, and col. 25, lines 7-14] comprising:

a touch panel *[a touch panel sensor, not shown, fig. 24, col. 20, line 46]* for enabling the user to touch a surface of the touch panel for performing the input operation;

a display unit *[a display unit 148]* for displaying the image information for the input operation;

an analysis unit *[a data processing unit 143]* for analyzing an operation concerning the remote control contained in the image information for the input operation and pseudo-assigning *[whether or not assigning the function for the touch display screen]* a function of the input operation to the remote control to a touch operation area of the touch panel on the basis of the analysis result *[a number (No.) of an image is assigned to each of the service data as shown in Fig. 29, which is analyzed by the data processing units 143 and 144 that are designed to decode and judge the image data that is obtained from the area selecting unit 145 (S21), the service data No. 1 is designated (S22), and whether or not the position is within the region of the area No. i is*

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*judged (S23) by pseudo-selecting input operation that comprises if-then-else, repeat-until, for, and case]; and*

a control unit *[a touch panel selection control unit 150]* being responsive to the touch operation to the touch panel, the control unit *[150]* for making a response corresponding to the pseudo input operation *[the pseudo-selecting input operation comprises if-then-else, repeat-until, for, and case]* to the remote control in response to the touched area of the touch panel according to the assignment of the analysis unit *[see figs. 29-31, col. 22, lines 10-48 for further details of the operation].*

5. As to claim 2, as noting in fig. 26, col. 21, lines 18-23, Owa further discloses the claimed features of these claims.

As to claim 12, as noting in col. 24, lines 56-63, Owa further discloses the claimed features of these claims.

6. As to claim 3, as noting in col. 25, lines 7-33, Owa further discloses the claimed features of these claims.

As to claim 6, as noting in col. 22, lines 56-63, Owa further discloses the claimed features of these claims.

As to claim 7, as noting in col. 22, lines 56-63, Owa further discloses the claimed features of these claims.

As to claim 8, as noting in col. 22, lines 56-63, Owa further discloses the claimed features of these claims.

As to claim 9, as noting in col. 21, lines 49-55, Owa further discloses the claimed features of these claims.

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7. As to claims 13 and 14, as noting in col. 25, lines 54-63, Owa further discloses the claimed features of these claims.

8. As to claim 15, Owa discloses a digital broadcast reception apparatus *[see the title]* for receiving a bi-directional digital broadcast containing image information, the digital broadcast reception apparatus *[142, fig. 24, col. 20, line 30-60, and col. 25, lines 7-14]* comprising:

a touch panel *[a touch panel sensor, not shown, fig. 24, col. 20, line 46];*

a display unit for displaying the image information *[a display unit 148];*

a analysis unit *[a data processing unit 143]* for analyzing the image information, assigning input functions to regions on the touch panel on the basis of the analysis result, and displaying the input functions on the assigned regions, respectively; and

a control unit *[a touch panel selection control unit 150]*, wherein: when a user touches at least one of the assigned regions on the touch panel, the control unit executes the input function corresponding to the at least one of the assigned regions *[a number (No.) of an image is assigned to each of the service data as shown in Fig. 29, which is analyzed by the data processing units 143 and 144 that are designed to decode and judge the image data that is obtained from the area selecting unit 145 (S21), the service data No. 1 is designated (S22), and whether or not the position is within the region of the area No. i is judged (S23) by pseudo-selecting input operation that comprises if-then-else, repeat-until, for, and case, see figs. 29-31, col. 22, lines 10-48 for further details of the operation].*

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9. As to claim 19, as noting in col. 23, lines 54-63, Owa further discloses the claimed features of these claims.

10. As to claim 20, as noting in fig. 24, col. 20, lines 46-47, Owa further disclose the claimed features of these claims.

11. The limitation of claim 21 is similar to those of claim 15, though in method form, therefore the rejection of claim 21, will be treated using the same rationale as claim 15.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 5, 10, 11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Geaghan et al (USPG-PUB 2003/0063073) hereinafter Geaghan.

14. As to claims 4 and 16, Owa discloses the titles being displayed as they are superimposed on a road map, when the user operates to select one of them by a touch panel, texts given as additional data are displayed by a pop up form, see col. 22, lines 49-55. Accordingly, Owa teaches all of the claimed limitation of claims 1 and 15, except for the touch panel are touching so as not to overlap the area assigned by analyzing the operation.

However, Geaghan discloses the touches that are often meant to be applied sequentially with no overlap, and position detection algorithms have functioned accordingly (see paragraph 5).

As to claims 17 and 18, as noting in paragraph 5, Geaghan further discloses the claimed features of these claims.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the superimposed image as disclosed by Owa without overlapping the area assigned by analyzing the touch operation area as disclosed by Geaghan, because this would avoid reporting erroneous, or “phantom,” touch positions, and correctly report any one or more of the single touch events that make up the overlapping touch inputs (see Geaghan, paragraph 5, 4<sup>th</sup> last line).

15. As to claim 5, as noting in fig. 28, col. 21, lines 43-56, Owa further discloses the claimed features of these claims.

16. As to claim 10, official notice is taken that both the concept and the advantage of providing for a cursor is well known and expected in the art. It would have been obvious to have included the remote control in Owa, *inter alia*, col. 25, lines 7-14, including a cursor is known to provide the operator with making a selection of a menu or an icon in a display guide in accordance with each type of key.

17. As to claim 11, as noting in col. 24, lines 56-63, Owa further discloses the claimed features of these claims.




***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kevin M. Nguyen  
Patent Examiner  
Art Unit 2629

KMN  
September 14, 2006